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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,282	01/17/2002	Tatsuya Yoshikawa	16869P-035200US	4847
20350	7590	04/19/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			BROWN, VERNAL U	
TWO EMBARCADERO CENTER			ART UNIT	PAPER NUMBER
EIGHTH FLOOR			2612	
SAN FRANCISCO, CA 94111-3834				

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,282	YOSHIKAWA ET AL.	
	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 March 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,4,16,20,21 and 42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2,4,16,20,21 and 42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on March 27, 2006.

Response to Amendment

The examiner has acknowledged the amended claims 2, 16, 20, and the addition of claim 42.

Response to Arguments

Applicant's arguments filed March 27, 2006 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the request from the requesting device, the examiner consider the transmission from the tag of data including identification information as a request because this is the information that is used to grant access to the individual (col. 4 lines 28-32).

Regarding applicant's argument regarding history information, it is the examiner's position that ~~examiner position that~~ Ashwin teaches the use of history information to provide service because the applicant description of history information in paragraph 035 of the applicant's specification includes the data that is used to grant access as the history information and Ashwin teaches the authorization previously granted to the individual are stored in the database (col. 5 lines 31-37).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 42 recites the limitation "said second peripheral information". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 4, 16, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashwin US Patent 6,232,877.

Regarding claims 2 and 16 Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin also teaches providing service depending on the history information associated with the user, the examiner considers the authorization previously granted to the individual for the removal of

items (col. 5 lines 31-37) as the history information. The examiner position on the history information is also consistent with the applicant description of history information in paragraph 035 of the applicant's specification that include the data that is used to grant access as the history information.

Regarding claim 4, Ashwin teaches the peripheral information includes information relating to whether the peripheral device is within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) and RF communication is effective over predetermined range.

Regarding claim 42, Ashwin teaches obtaining information from the peripheral device 16 (col. 4 lines 60-64).

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Francis et al. US Patent 6600418 and further in view of Gordon et al. US Patent 6567486.

Regarding claim 20, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF

communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system and is also silent on teaching the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. One skilled in the art recognizes the determination of positional information using the time difference between the transmitted and received signal is a conventional practice and is evidenced by Gordon et al. (col. 1 lines 25-35) in order to determine the location of a mobile transmitter.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes information relating to position of the peripheral device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received in Ashwin as evidenced by Francis et al. in view of Gordon et al. because Ashwin suggests obtaining information from the peripheral device and Francis et al. teaches a peripheral device providing identification information including positional information and one skilled in the art recognizes that the determination of positional information using the time difference between the transmitted and received signal is a

conventional practice and is evidenced by Gordon et al. in order to determine the location of a mobile transmitter.

Regarding claim 21, Ashwin teaches a tag providing peripheral information that is used for identification purposes devices (col. 4 lines 28-33) but is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes second peripheral information relating to position of the peripheral device relative to the service device in Ashwin as evidenced by Francis et al. because Ashwin suggests a peripheral device in the form of a tag providing identification information and Francis et al. teaches a plurality of tags providing peripheral identification and location information in order to track an object.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-3998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
April 13, 2006



WENDY R. GARBER
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